

### **AMENDMENT TO THE DRAWINGS**

Figs. 1-10 have been amended. The attached sheets of formal drawings replace the original sheets including Figs. 1-10.

## REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated June 1, 2006.

Applicant's attorneys appreciate the Examiner's thorough search and examination of the present patent application.

Claims 1-31 are pending in this application. Claims 1-5, 21 and 22 have been rejected. Claims 7-10, 11-20 and 23-26 have been withdrawn from consideration. Additionally, in response to the Examiner's statement on page 2, paragraph 1 of the present office action, claims 6 and 23-31 are also withdrawn from consideration.

In response to a requirement, new corrected drawings in compliance with 37 C.F.R. §1.121(d) are provided. Also, in response the Examiner's objection the title of the invention has been shortened.

### Double Patenting Rejection

Claims 1, 3 and 5 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,947,999 and U.S. Patent No. 5,993,476.

Reconsideration and withdrawal of this rejection is respectfully requested.

The Examiner contends that claim 1 of Patents 5,947,999, 5,993,476, and of the present application are not patentably distinct from each other because the claim language of the application is broader. This is not correct. Claim 1 of the present application recites "the elongated sections extending along a non-linear trajectory to form a non-linear deformable region." That non-linear deformable region is identified in Figures 1 and 2 by numeral 130. In other words, the bridge 110 as claimed in claim 1 of the present application is non-linear, e.g., concave or convex. Contrarily, patents 5,947,999 and 5,993,476 show and claim straight line bridge 10. Thus, claim 1 of the application is patentably distinguishable from the claims of the above identified two patents and the double patenting rejection should be withdrawn.

### Rejection under 35 U.S.C. §102(b)

Claims 1-5, 21 and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,887,601 to Richards ("Richards").

Reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 1 is directed to an osteosynthesis clip, that includes “at least two engagement legs extending approximately parallel to one another” and “elongated sections extending along a non-linear trajectory to form a non-linear deformable region” as recited in claim 1.

To use the inventive clip, the holes are pre-drilled, the staple is hammered into the bone. The legs of the inventive clip are threaded to work as a retainer. That is because of the pressure of the threads on the wall of the channel, due to threads’ conical shape. As time passes, new bone tissue will grow in the grooves of the thread, preventing the extrusion of the clip. If there is a need to remove the clip, the bridge portion is cut off and each leg can be unscrewed. The unscrewing of the legs is facilitated by the threads already implanted (due to new tissue growth) in the new bone.

When the diamond of the bridge is opened, it will approximate both bone surfaces, but as pressure is exerted unilaterally, stronger pressure will be applied on the side of the bone where the clip is inserted. To balance the pressure, the middle of the bridge is raised, producing a convergent motion of the legs, translating part of the compression to the other side of the bone. The inner part of both legs will become parallel.

Richards teaches staples having curved legs, which can only be used for soft tissue repair. All staples shown in Richards have curved legs. Even the straight legged staple of Figure 7, which is similar to common office staples, changes its legs’ shape, as shown in Figure 8, after placement into the bone. Also, the distal end of the staple in Figures 7 and 8 is bent at a right angle. Such clip would be impossible to remove after the bone is healed. Staple removal is very often necessary.

Contrarily, in its application, the present invention requires pre-drilling of the bone to create channels for placement of the osteosynthesis clip into the bone. The pre-drilling before the introduction of the legs of the clip into the bone is necessary to prevent the cracking of the bone edges when the clip is hammered into place. First, a curved bone channel cannot be made by drilling. Second, a curved leg cannot be hammered into the bone even if a curved bone channel is made.

Therefore, Richards does not teach, disclose, or suggest “at least two engagement legs

extending approximately parallel to one another” and “elongated sections extending along a non-linear trajectory to form a non-linear deformable region” recited in claim 1.

Independent claim 21 includes recitations essentially to same effect.

Thus, Applicants’ independent claims 1 and 21 are patentably distinct from Richards. Claims 2-5 and 22 depend directly from above discussed independent claims and are, therefore, allowable for the same reasons, as well as because of the combination of features in those claims with the features set forth in the respective independent claims.

### Rejoinder of Withdrawn Claims

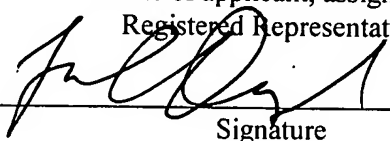
Further, in view of the allowability of the independent claims, it is submitted that claims 6 and 19-20 should be rejoined in this application.

In view of the above, it is submitted that all claims in this application are now in condition for allowance, prompt notification of which is requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on July 17, 2006:

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July 17, 2006

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Respectfully submitted,

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